

LOCAL RULES OF THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF RHODE ISLAND

Syllabus of Subjects to be Covered

The outline for the lecture on Local Rules is going to follow the Table of Contents of the Local Rules, which is attached hereto. Those Rules considered to be of most importance will be touched upon during the lecture.

The function of the Local Rules is to assist counsel in presenting their cases in Federal District Court. They do not supersede the Rules of Civil Procedure, but they do define with greater specificity certain practices, which must be adhered to in the Federal Court. There is no functional equivalent of these Rules that exist for the Rhode Island Superior Court that are of the same depth in detail. In many instances, these Rules are not the same as the Rules, which exist for Superior Court. Any counsel are strongly encouraged to make themselves completely familiar with the Local Rules of the Federal District Court before pursuing any case. In addition, these Rules are changed or modified from time to time by order of the Court. Thus, it is prudent and wise before pursuing any action in Federal Court to make sure you have a complete updated set of the Rules. You may obtain these updates by simply going to the Clerk's office and asking for them.

Finally, it is my understanding that these Rules are presently under examination and proposed revisions are being considered. Thus, it may well be in the year 2005 a new set of Local Rules for the Federal District Court will be issued. All counsel will need to make themselves completely familiar with those Rules.

Attached - Table of Contents

- Rule 1. Title
- Rule 2. Applicability
(a) In General
(b) Exceptional Circumstances
(c) Extensions of Time
- Rule 3. Construction
(a) In General
(b) "Court"
(c) "Clerk"
(d) Computation of Time
(e) Gender
(f) Terms of Grand Jury
(g) Terms of Petit Jurors
- Rule 4. Bar of the District Court
(a) Definition of "Member of the Bar of this Court"
(b) Eligibility
(c) Procedure for Admission
(d) Code of Professional Conduct
(e) Disciplinary Action
Local Rule of Court Governing Use of Student
Counsel for Indigent State Prisoners in Civil Proceedings
- Rule 5. Practice Before the Bar of this Court
(a) Attorneys for the United States
(b) Member of the Bar of this Court
(c) Admissions *Pro hac vice*
(d) Rejection of Pleadings
(e) Other Persons
- Rule 6. Appearances
(a) Generally
(b) Notice of Appearance
(c) Appearance Pro Se
(d) Withdrawal of Appearance
(e) CJA Form 20
- Rule 7. Assignment of Cases
(a) Categories of Cases
(b) Designation of Category
(c) Assignment of Cases
(d) Proceedings After Assignment
(e) Refiled Actions
(f) Motion for Consolidation of Cases
(g) Proceedings After Appeal
- Rule 8. Special Assignments
(a) Emergencies
(b) Disposition of Special Assignments

(c) Subsequent Special Assignments

Rule 9. Calendar

- (a) Preparation of Calendar
- (b) Control of Pretrial Calendar
- (c) Pretrial Conference
- (d) Report
- (e) Trial Date
- (f) Trial Notice

Rule 10. Service and Filing of Pleadings and Other Papers

- (a) Manner of Service
- (b) Proof of Service
- (c) Service on Party Acting Pro Se
Restricted Service by Marshal's Office and
Alternate Method of Service

Rule 11. Form and Filing of Papers

- (a) Form and Signing of Papers
- (b) Time and Place of Filing
- (c) Requests for Special Action
- (d) Additional Copies
- (e) Removal of Papers
- (f) Filing Fee

Rule 12. Motions

- (a) Filing of and Response to Motion
- (b) Oral Hearings
- (c) Motion Day
- (d) [Filing in Duplicate]
- (e) Criminal Discovery
- (f) Duty to Address Speedy Trial Act Excludable Time
Implications in Pretrial Motions

Rule 12.1 Motions for Summary Judgment

- (a) Statement of Undisputed Facts and
Statement of Genuine Issues
- (b) Oral Hearings
- (c) Return Day
- (d) Uncontroverted Facts
- (e) Effect of Pending Motion for Summary Judgement on
Preliminary Pre-Trial Order

Rule 13. Interrogatories, Requests for Admission, Requests to Produce

- (a) Filing
- (b) Form of Response
- (c) Answers or Responses Accompanying or
Following Objections
- (d) Conference of Counsel to Settle Objections
- (e) Supplementation of Responses

- Rule 14. Depositions
- (a) Stipulations Regarding Objections
 - (b) Filing and Opening
 - (c) [Depositions by Video Tape]
- Rule 15. Jury Impaneling and Conduct
- (a) Six-Member Juries
 - (b) Initial Selection
 - (c) Examination of Jurors
 - (d) Challenges for Cause
 - (e) Peremptory Challenges
 - (f) Jury Impaneling
 - (g) Communication with Jurors
- Rule 16. Views
- Rule 17. Courtroom Practice
- (a) Conduct of Counsel
 - (b) Pre-view Statements
 - (c) Opening Statements
 - (d) Examination of Witnesses
 - (e) Attorneys as Witnesses
 - (f) Closing Arguments
- Rule 18. Jury Instructions
- (a) Requests for Instructions and Objections Thereto
 - (b) Service of Requested Instructions
 - (c) Special Verdicts and Interrogatories
- Rule 19. Exhibits
- (a) Custody
 - (b) Disposition
 - (c) Photographs of Chalks
- Rule 20. Witnesses
- (a) Unavailable Witnesses
 - (b) Bench Warrants for Witnesses
 - (c) Continuance to Secure the Presence of a Witness
- Rule 21. Continuances and Dismissals of Civil Actions
- (a) Continuances
 - (b) Dismissal
 - (c) Expediting Civil Actions
- Rule 22. Stipulations; Settlements
- (a) Stipulations
 - (b) Settlement
- Rule 23. Findings; Orders; Judgments
- (a) Orders and Judgments Entered by Clerk
 - (b) Formal Orders Unnecessary in Certain Cases

- (c) Preparation and Filing of Formal Orders
- Rule 24. Satisfaction of Judgments
 - (a) Entry by Clerk
 - (b) Payment Into Court
- Rule 25. Costs
 - (a) Security for Costs
 - (b) Failure to Furnish Security
 - (c) Taxation of Costs
- Rule 26. Fees
 - (a) Prepayment
 - (b) Suits by Poor Persons
- Rule 27. Notification of Claim of Unconstitutionality
- Rule 28. Three-Judge District Court
- Rule 29. Habeas Corpus
 - (a) Applicability
 - (b) Application; By Whom Made
 - (c) Form and Content of Application
 - (d) Application for Habeas Corpus Under 28 U.S.C. § 2254
- Rule 30. Class Actions
 - (a) Designation
 - (b) Class Action Allegations
 - (c) Motion for Determination as Class Action
 - (d) Failure to Move for Determination as Class Action
- Rule 31. Notice of Pendency of Other Actions or Proceedings
 - (a) Notice
 - (b) Continuing Obligation
- Rule 32. United States Magistrates
 - (a) Duties Under 28 U.S.C. § 636(a)
 - (b) Non-dispositive Pre-trial Matters
 - (c) Dispositive Pre-trial Motions and Prisoner Cases
 - (d) Special Master References and Trials by Consent
 - (e) Other Duties
 - (f) Assignment of Duties to Magistrates
- Rule 32.1 Forfeiture of Collateral
 - A. United States Postal Service Pursuant to 39 C.F.R. 232
 - B. Veterans Administration 38 U.S.C. 1.218(b)(1) Et Seq.
 - C. Other Property in the District of Rhode Island Under the Exclusive, Concurrent, and Partial Legislative Jurisdiction

of the United States of America

- Rule 33. Official Court Reporters
 - (a) Responsibilities
 - (b) Preservation of Original Record
 - (c) Transcription of Record
 - (d) Maximum Transcript Rates
 - (e) Payment for Transcript
- Rule 34. Report of Grand Jury Proceedings
- Rule 35. Masters
- Rule 36. Removal
 - (a) Bond
 - (b) Filing of State Court Record
 - (c) Notice of Removal
 - (d) Filing Fee
 - [Removal of a Case from State Court]
- Rule 37. Supersedeas Bond
- Rule 38. Sureties
 - (a) Members of the Bar and Court Officers
 - (b) Execution of Bond
 - (c) Security
 - (d) Individual Sureties
 - (e) Approval of Bond
 - (f) Service
 - (g) Modification of Bond
- Rule 39. Release of Information by Attorneys in Criminal and Civil Cases
- Rule 40. Release of Information by Courthouse Personnel in Criminal and Civil Cases [and by the United States Probation Office]
 - (a) [Release of Information by Courthouse Personnel]
 - (b) Petition for Disclosure of Pre-Sentence or Probation Records
- Rule 40.1 Release of Presentence Reports
- Rule 40.2 Guideline Sentencing
- Rule 41. Ex Parte Communications
- Rule 42. Special Orders for the Protection of the Accused or the Litigants in Widely Publicized or Sensational Criminal or Civil Cases
- Rule 43. Photographing; Recording; Broadcasting
 - (a) Recording and Broadcasting Prohibited
 - (b) Voice Recordings by Court Reporters

(c) Ceremonies

Rule 44. Mandate of an Appellate Court

Rule 45. Appellate Procedure
(a) Filing of Notice
(b) Additional Copies
(c) Filing Fees
(d) Order of Transcript

Rule 46. Sanctions for Failure to Comply with Local Rules

Rule 47. Office of the Clerk

Rule 48. Effective Date

Rule 49. Fee for Copy of Rules

Rule 50. Transmittal of Rules

Rule 51. Modification of Rules

Rule 52. Parties' Funds Deposited with Clerk of Court

Rule 53. Local Rules - Bankruptcy
(A) Emergency Resolution
(B) Filing of Bankruptcy Papers
(C) Reference to Bankruptcy Judges
(D) Powers of Bankruptcy Judges
(E) District Court Review
(F) Local Rules
(G) Bankruptcy Rules and Title IV of Public Law 95-598
(H) Effective Date and Pending Cases

APPENDIX A

FORMS

1. Motion for Entry of Appearance Pro Hac Vice (Local Rule 5)
2. Attorney's Certification for Pro Hac Vice Admission (Local Rule 5)
3. Preliminary Pretrial Order (Local Rule 9)
4. Forms for Use in Motions Under 28 U.S.C. §2255 (Local Rule 29(c))
 - 4A Motion to Vacate, Set Aside, or Correct Sentence by a Person In Federal Custody
 - 4B Affidavit in Support of Request to Proceed In Forma Pauperis
 - 4C Movant's Response as to Why His Motion Should Not Be Barred under Rule 9
5. Forms for Use in Motions Under 28 U.S.C. §2254 (Local Rule 29(c))
 - 5A Petition for Writ of Habeas Corpus By a Person in State Custody
 - 5B Affidavit in Support of Request to Proceed In Forma Pauperis
 - 5C Movant's Response as to Why His Motion Should Not Be Barred Under Rule 9

APPENDIX B

- I. District of Rhode Island Civil Justice Expense & Delay Reduction Plan
- II. Fee Schedule
- III. Clerk's Office Filing Requirements
- IV. Amended General Order 2002-01
- V. Transcript Fee Schedule